

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Calvary Chapel of Costa Mesa, Inc. Licensee of Station K273CB)	File No.: EB-FIELDWR-13-00011912
)	
Bakersfield, California)	NOV No.: V201432900011

NOTICE OF VIOLATION

Released: January 16, 2014

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules),¹ to Calvary Chapel of Costa Mesa, Inc. (CCCM), licensee of radio station K273CB in Bakersfield, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. The Enforcement Bureau’s Los Angeles Office (Los Angeles Office) received a complaint from Station KCNQ(FM), assigned to the community of Kernville, California, concerning interference on frequency 102.5 MHz from co-channel translator Station K273CB. K273CB is classified as a “fill-in” translator and rebroadcasts KWVE(AM) assigned to Oildale, California. Station KCNQ(FM) also provided to CCCM and the Los Angeles Office a list of individuals who attempted to listen to Station KCNQ(FM) but whose reception of Station KCNQ(FM) was not possible due to the apparent interference from Station K273CB. On July 18, 2013, agents of the Enforcement Bureau’s Los Angeles Office inspected radio station K273CB and, in addition, observed the interference impact to KCNQ(FM). The agents calculated that Station KCNQ(FM) and Station K273CB have a site-to-site distance separation of 44 kilometers (27 miles). While conducting on-and-off testing of K273CB and monitoring KCNQ(FM) at several sites identified to be experiencing interference, the following violation was observed:

- a. 47 C.F.R. § 74.1203: “(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to: (1) The transmission of any authorized broadcast station; or (2) The reception of the input signal of any TV translator, TV booster, FM translator or FM booster station; or

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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(3) The direct reception by the public of the off-the-air signals of any authorized broadcast station including TV Channel 6 stations, Class D (secondary) noncommercial educational FM stations, and previously authorized and operating FM translators and FM booster stations. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.” At the time of the inspection, the agents observed that K273CB transmissions on 102.5 MHz was causing interference to the reception of K273CB broadcast signal at several locations.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, CCCM must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct CCCM to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of CCCM with personal knowledge of the representations provided in CCCM’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Los Angeles Office
18000 Studebaker Rd., #660
Cerritos, CA 90703

6. This Notice shall be sent to Calvary Chapel of Costa Mesa, Inc. at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Charles A. Cooper
District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).